

Item #3:
Ordinance Establishing SSA For LM Water To Herons Landing

VILLAGE OF LONG GROVE

ORDINANCE NO. 2011-O-__

AN ORDINANCE ESTABLISHING
VILLAGE OF LONG GROVE SPECIAL SERVICE AREA
FOR PROVIDING LAKE MICHIGAN WATER TO THE HERONS LANDING SUBDIVISION

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LONG GROVE, COUNTY OF LAKE, AND STATE OF ILLINOIS, as follows:

SECTION ONE: **Authority.** The Village of Long Grove Herons Landing Water Special Service Area is established pursuant to the provisions of the Special Service Area Tax Law, 35 ILCS 220/27-5 *et seq.* ("***SSA Tax Law***").

SECTION TWO: **Findings.**

(a) The question of establishment of the area hereinafter described as a special service area was considered by the Village Board pursuant to "An Ordinance Proposing the Establishment of a Village of Long Grove Special Service Area for Providing Lake Michigan Water to the Herons Landing Subdivision," being Ordinance No, 2010-O-34, adopted on November 23, 2010. The purpose of the proposed Special Service Area ("***Herons Landing Water SSA***") is to provide special municipal services to the territory within the proposed boundaries of the Herons Landing Water SSA in the nature of constructing new water distribution facilities to provide the Subject Territory with a safe and adequate potable water supply from Lake Michigan water ("***Special Services***"). The establishment of the Herons Landing Water SSA was considered at a public hearing held and concluded on January 11, 2011. Said hearing was held pursuant to notice duly published in the *Daily Herald*, a newspaper of general circulation within the Village of Long Grove, on December 23, 2010, which date was at least fifteen days prior to the hearing, and also pursuant to notice by certified mail, return receipt requested, addressed to the person or persons in whose name the general taxes for the

last preceding year were paid on each lot, block, tract, or parcel of land lying within the proposed Herons Landing Water SSA. Said notice was posted not less than ten days prior to the date set for the public hearing. In the event taxes for the last preceding year were not paid, said notice was sent to the person last listed on the tax rolls prior to that year as the owner of said property. A Certificate of Publication of Notice and an Affidavit of Mailing of Notice are attached hereto and, by this reference, incorporated herein and made part hereof as Exhibits A and B, respectively. Said notices conform in all respects to the requirements of the SSA Tax Law.

(b) At the public hearing on January 11, 2011, all interested persons were given an opportunity to be heard on the question of the creation of the special service area and on the question of the issuance of bonds and imposition of a tax pursuant to a special tax roll in connection with the proposed special service area sufficient to produce revenues to provide the Special Services to the Herons Landing Water SSA.

(c) On March 10, 2011, a petition objecting to the creation of the Herons Landing Water SSA was filed with the Clerk of the Village of Long Grove, which petition was signed by approximately 25% of the owners of record of property within the Subject Territory. No other objection to the establishment of the Herons Landing Water SSA was filed with the Village.

(d) The question of enlarging the boundaries of the territory of the proposed Herons Landing Water SSA was considered by the Village Board pursuant to "An Ordinance Proposing the Enlargement of the Proposed Village of Long Grove Special Service Area for Providing Lake Michigan Water to the Herons Landing Subdivision," being Ordinance No, 2011-O-18, adopted on May 24, 2011. Ordinance No. 2011-O-18 proposed to enlarge the boundaries of the territory of the proposed Herons Landing Water SSA to include Lot 123 of the Herons Landing Subdivision ("**Lot 123**"), so that the territory of the proposed Herons Landing Water SSA will be as legally described in Exhibit C attached hereto and depicted in Exhibit D attached hereto (the "**Subject Territory**").

(e) Pursuant to Ordinance No. 2011-O-18, a public hearing was held and concluded on June 14, 2011 to consider the enlargement of the territory of the proposed Herons Landing Water SSA to include Lot 123, which hearing was held pursuant to notice duly published in the *Daily Herald*, a newspaper of general circulation within the Village of Long Grove, at least fifteen days prior to the hearing. Notice by certified mail, return receipt requested, was also sent to the owner of Lot 123 (which parcel had an assessed valuation of less than 5% of the assessed valuation of the originally contemplated territory of the proposed Herons Landing Water SSA); said notice was posted not less than ten days prior to the date set for the public hearing. A Certificate of Publication of Notice and an Affidavit of Mailing of Notice relating to the enlargement of the SSA Territory are attached hereto and, by this reference, incorporated herein and made part hereof as Exhibits E and F, respectively. Said notices conform in all respects to the requirements of the SSA Tax Law.

(f) At the public hearing on June 14, 2011, all interested persons were given an opportunity to be heard on the question of the enlargement of the Subject Territory so as to include Lot 123.

(g) Based upon their consideration of the data presented to the Board of Trustees and the testimony at the public hearings, the President and Board of Trustees hereby find that (i) no objection to the establishment of the Herons Landing Water SSA has been filed by at least 51% of the owners of record of property within the Subject Territory and 51% of the electors residing within the Subject Territory, (ii) no objection to the enlargement of the Herons Landing Water SSA has been filed by at least 51% of the owners of record of property within the Subject Territory and 51% of the electors residing within the Subject Territory, and (iii) it is in the best interest of the Village of Long Grove and of the residents, occupants, and property owners within the Subject Territory that the Herons Landing Water SSA, as hereinafter described, be established.

(h) The territory within the Herons Landing Water SSA is contiguous as required by the SSA Tax Law.

(i) It is in the best interests of the Village of Long Grove that the Herons Landing Water SSA be created for the provision of the Special Services to the territory within the Herons Landing Water SSA, financed through the issuance of bonds and by levy of a special tax pursuant to a special tax roll on the real property within the Subject Territory.

(j) The Village Board of Trustees hereby determines that the furnishing of the Special Services serves the common interests of the residents and owners within the Herons Landing Water SSA, which residents and owners will benefit specially from the Special Services.

SECTION THREE: Village of Long Grove Herons Landing Water Special Service Area Established. A special service area to be known as the “Village of Long Grove Herons Landing Water Special Service Area” is hereby established and shall consist of the contiguous Subject Territory that is legally described in Exhibit C attached hereto and, by this reference, incorporated herein and made a part hereof. An accurate map of said territory is attached hereto and, by this reference, incorporated herein and made a part hereof as Exhibit D.

SECTION FOUR: Purpose of Special Service Area.

(a) Special Services. The Village of Long Grove Herons Landing Water Special Service Area is established to provide the Special Services to directly serve the Subject Territory, in addition to those services provided in the Village generally, so as to provide a safe and adequate potable water supply to the properties within the special service area. Specifically, the Herons Landing Water SSA is established so that the Village may issue bonds and levy taxes to pay for the Special Services, as well as associated costs (including, without limitation, engineering, administrative, legal, publication, financing, and recording costs) through an annual tax levy against the properties in the Subject Territory, in accordance with the Special Tax Roll established by this Ordinance. In order to provide the Special Services, the Village is prepared

to cause both Public Improvements and Private Improvements to be made within the Subject Territory as further described in Subsections 4(b) and 4(c) of this Ordinance.

(b) Public Improvements. The Special Services shall include the design, construction, and installation of all water mains and associated water distribution and storage facilities, metering facilities or equipment, and other related facilities or equipment necessary to extend water service from the terminus of Lake County's existing water system into and throughout the Subject Territory (the "**Public Improvements**").

(c) Private Improvements. The Special Services may also include the design, construction, and installation of the following improvements on each lot within the Subject Territory: (i) a water service line extending from the public water main into the interior of the residence, (ii) a water meter and check valves, (iii) a connection from the water service line to the interior potable water line, (iv) fill and seeding of all external excavation, and (v) internal restoration necessary to return the residence to minimum Building Code compliance (the "**Private Improvements**"). The Private Improvements shall not include any additional interior or exterior restoration, finishing, or cosmetic work, or the removal of any existing water treatment tanks, equipment, or piping on a lot. The Private Improvements will only be installed on a lot if, within 60 days after the effective date of this Ordinance, the owner of that lot executes a license agreement for completion of the work. Any lot owner in Herons Landing who fails to timely execute a license agreement may be deemed to have determined not to connect immediately to the Water System and to have waived any payment or reimbursement of costs otherwise associated with such connection. Any future connection to the water system shall not be included in the Special Services and must be completed by the Owner at the Owner's sole expense and subject to payment of any permit and inspection fees required by the County, but excluding any connection fees.

SECTION FIVE: Bonds, Construction Tax, and Special Tax Roll for the Herons

Landing Water SSA.

(a) Bonds, Construction Tax. The Herons Landing Water SSA is hereby authorized to issue bonds in a maximum amount not to exceed \$3,000,000.00, which bonds may be payable over not more than a 30-year period. Such bonds may be tax-exempt or taxable, but may only be issued at an interest rate not exceeding six and one-half percent (6.5%) per annum as a net yield. The maximum annual taxes to be extended within the special service area for the construction of the Special Service and payment of principal and interest on any bonds issued to finance such construction is hereby established to not exceed \$2,500 per single family residence, which payments may not continue for more than 30 years. The taxes described in this Section 5(a) will be payable within the Herons Landing Water SSA pursuant to a special tax roll, as further described in Section 5(b), below.

(b) Special Tax Roll. The SSA taxes that may be imposed pursuant to section 5(a) will be payable pursuant to a special tax roll. The special tax roll will allocate annual SSA taxes equally on a per-single-family-residence basis among the lots within the Subject Territory, except Lot 123 (which Lot 123 cannot be developed with any single family residence). The President and Board of Trustees have determined that such special tax roll is a fair and reasonable basis for allocating the SSA taxes in light of the equal access that each single family residence within the Subject Territory will have to the Special Services and the corresponding value to each such single family residence resulting from such access, both in terms of potable water use within each single family residence and in terms of fire protection.

(c) Annual Levy Ordinances. Subject to the terms of this Ordinance, following the establishment of the Herons Landing Water SSA, the Village may commence to levy SSA taxes as provided in Section 5(a) by annually filing one or more tax levy ordinances with the appropriate County officials.

(d) Termination. The Village reserves the right to terminate work on the Public Improvements and Private Improvements for the Herons Landing Water SSA, and to cease all efforts to provide the Special Services, in the event that the Village does not receive (i) cost-effective bids for undertaking the work for the Public Improvements and Private Improvements, (ii) sufficient numbers of licenses for undertaking the Private Improvements, (iii) timely receipt of all necessary easements, or (iv) sufficient numbers of applications for water service from the owners of lots within the Subject Territory. Notwithstanding any such termination of work, the Village may continue to levy SSA taxes within the Herons Landing Water SSA until such time as all expenses incurred and obligations undertaken in connection with the Special Services or the issuance of bonds have been fully paid and satisfied.

(e) Prepayment. Notwithstanding the provisions for levying annual SSA taxes in this Ordinance, the Village reserves the right to offer a prepayment option to the Lot owners within the Subject Territory on such terms as the Village may establish. To the extent that any Lots opt for such prepayment, the annual SSA tax levies will be equitably and ratably adjusted to account for the Lots that have so prepaid.

SECTION SIX: **Filing, Recordation.** The Village Clerk is hereby directed and required to file this Ordinance and any other required materials with the Lake County Clerk and the Office of the Lake County Recorder, as appropriate.

SECTION SEVEN: **Effective Date.** This Ordinance shall be in full force and effect from the date of its passage, approval, and publication in the manner provided by law.

PASSED THIS __ DAY OF _____, 2011.

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED THIS __ DAY OF _____, 2011

Village President

ATTEST:

Village Clerk

EXHIBIT A

CERTIFICATE OF PUBLICATION OF NOTICE FOR ESTABLISHMENT

EXHIBIT B

AFFIDAVIT OF MAILING OF NOTICE FOR ESTABLISHMENT

EXHIBIT C

**LEGAL DESCRIPTION OF
HERONS LANDING WATER SPECIAL SERVICE AREA**

Lots 1 through 29 and 31 through 119, and Lot 123 of Herons Landing, a Subdivision of Part of Section 17, Township 43 North, Range 11 East of the Third Principal Meridian, in Lake County, Illinois.

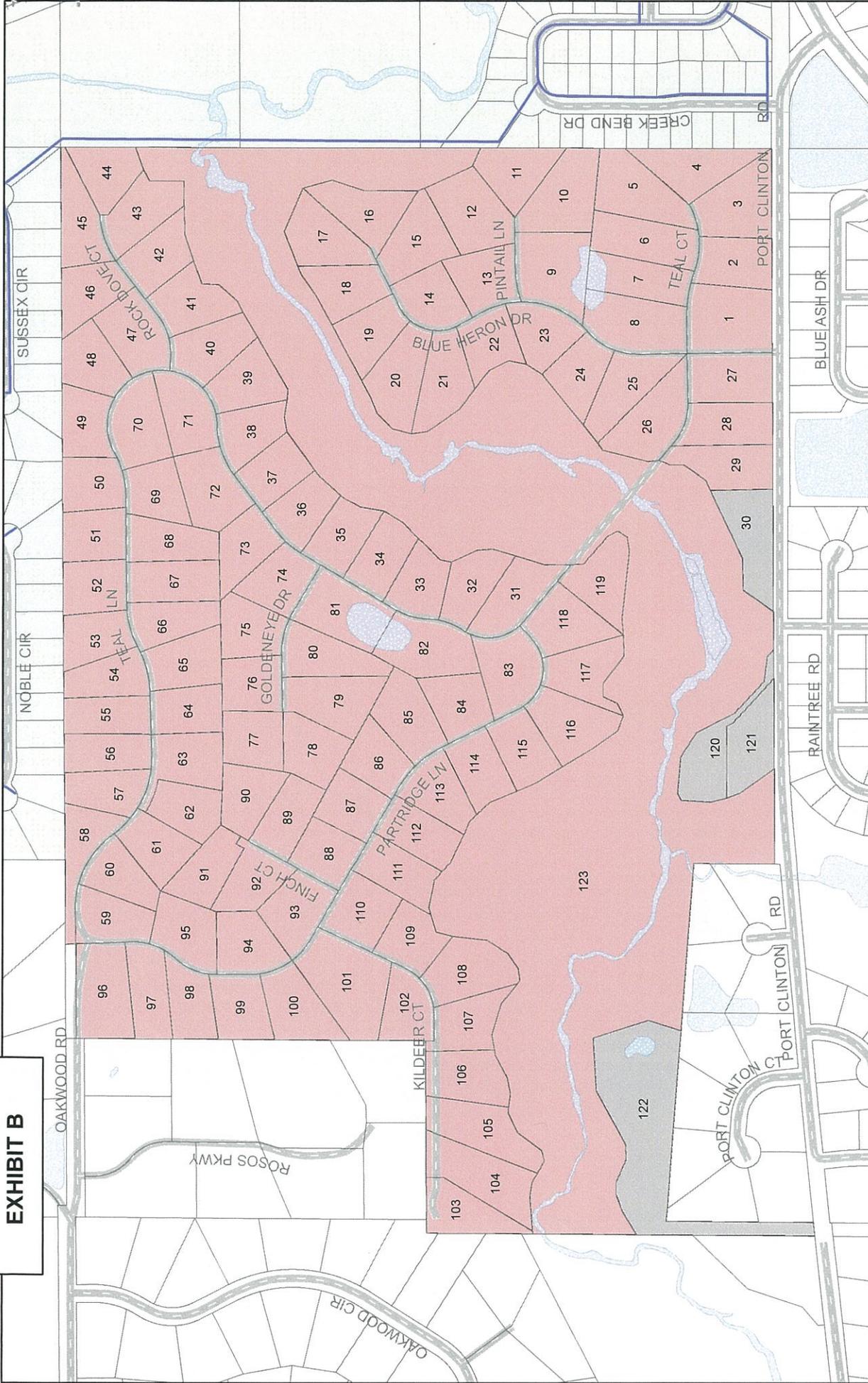
PIN Numbers:

1517201067	1517201053	1517201007	1517202012	1517101043
1517201068	1517201043	1517201006	1517202020	1517101044
1517201069	1517201042	1517201005	1517202021	1517101045
1517201066	1517201041	1517201004	1517202022	1517101046
1517201065	1517201028	1517201003	1517202023	1517101047
1517201064	1517201027	1517201002	1517202024	1517101048
1517201063	1517201026	1517201001	1517202030	1517101049
1517201062	1517201025	1517105001	1517202029	1517101050
1517201061	1517201024	1517105002	1517202028	1517101051
1517201060	1517201023	1517202001	1517202027	1517101052
1517201059	1517201022	1517202002	1517202026	1517201029
1517201058	1517201021	1517202003	1517202025	1517201030
1517201057	1517201020	1517202004	1517202019	1517201031
1517201056	1517201019	1517202005	1517202011	1517201032
1517201055	1517201018	1517202006	1517105005	1517201033
1517201054	1517201017	1517202007	1517105006	1517201034
1517201044	1517201016	1517202008	1517105007	1517201035
1517201045	1517201015	1517202009	1517105004	1517201036
1517201046	1517201014	1517202010	1517105003	
1517201047	1517201013	1517202018	1517101037	1517201037
1517201048	1517201012	1517202017	1517101038	
1517201049	1517201011	1517202016	1517101039	
1517201050	1517201010	1517202015	1517101040	
1517201051	1517201009	1517202014	1517101041	
1517201052	1517201008	1517202013	1517101042	

EXHIBIT D

MAP OF HERONS LANDING WATER SPECIAL SERVICE AREA

EXHIBIT B



Department of Public Works
 650 West Winchester Road
 Libertyville, Illinois 60048
 Phone: (847) 377-7500
 Fax: (847) 377-7173
 publicworks@lakecountyil.gov

**Depiction of Herons Landing
 (Properties to be Added to Central Lake County Joint Action Water (CLCJAWA) District)**

- Heron's Landing Subdivision**
- CLCJAWA
 - Properties to be added to CLCJAWA
 - Lots 30, 120, 121, 122 Not Included
 - LCPWD Water Mains

EXHIBIT E

CERTIFICATE OF PUBLICATION OF NOTICE FOR ENLARGEMENT

EXHIBIT F

AFFIDAVIT OF MAILING OF NOTICE FOR ENLARGEMENT